

**COMMITTEE ON THE IMPACT OF  
DOMESTIC VIOLENCE AND THE COURTS**  
**Telephonic Meeting Minutes**  
**November 8, 2011**  
**Arizona State Courts Building**  
**Conference Room 119 A/B**  
**1501 W. Washington Street, Phoenix, AZ 85007**

**MEMBERS PRESENT TELEPHONICALLY:**

Honorable Emmet Ronan, Chair	Honorable Carey Hyatt
Honorable Keith D. Barth	Ms. Dana Martinez
Ms. Joi Davenport	Honorable Wendy Million
Honorable Lynn Fazz	Ms. Lu Ann Garbini - <i>proxy for Ms. Marla</i>
Ms. Gloria Full	<i>Randall</i>
Ms. V. Michele Gamez	Ms. Kristine Reich
Professor Zelda Harris	Captain David Rhodes

**MEMBERS PRESENT:**

Ms. Elizabeth Ditlevson - <i>proxy for Ms.</i>	Ms. Leah Meyers, M.S.W.
<i>Allison Bones</i>	Chief Jerald L. Monahan
Ms. Pegg Derrow	Ms. Renae Tenney

**MEMBERS ABSENT:**

Honorable Carol Scott Berry	Honorable Cathleen Brown Nichols
Ms. Cathy Clarich	Ms. Andrea K. Sierra
Dr. Kathy S. Deasy	Detective Eugene J. Tokosh
Honorable Joseph P. Knoblock	Ms. Tracey J. Wilkinson
Patricia Madsen, Esq.	

**GUESTS / PRESENTERS:**

Jamie A. Balson, Esq.	Ms. Melinda Hardman
Ms. Theresa Barrett	Ms. Amy Love

**STAFF:**

Ms. Kay Radwanski	Ms. Tama Reily
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**I. REGULAR BUSINESS**

**A. Welcome and Opening Remarks**

With a quorum present, the November 8, 2011, meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) was called to order by Judge Emmet J. Ronan, chair, at 10:05 a.m.

**B. Approval of Minutes**

The minutes from the September 13, 2011, meeting of the CIDVC were presented for approval.

**MOTION:** To approve the September 13, 2011, meeting minutes as presented. Motion seconded. Approved 17-0-1 CIDVC-11-017

**II. BUSINESS ITEMS/POTENTIAL ACTION ITEMS**

**A. Public Access to Court Records Workgroup Report**

Judge Ronan, chair, and Kay Radwanski, AOC committee staff, reported on the workgroup's recommendation for an ARPOP rule change. Consensus among workgroup members was that the Arizona Rules of Protective Order Procedure (ARPOP) be amended, rather than Rule 123, Rules of the Supreme Court. The rationale was that a person looking for information about protective order records would be more likely to look in ARPOP than in the Rules of the Supreme Court. The amended ARPOP rule would require that case files containing unserved protection orders remain closed until proof of service has been filed. Ms. Radwanski noted that the rule change recommendation was presented to the Committee on Superior Court and discussed informally at the October meeting of the Committee on Limited Jurisdiction Courts. It was supported by both groups.

**MOTION:** Judge Million moved that CIDVC file a rule petition on civil orders of protection files with language to be determined at a later date. Motion seconded by Judge Hyatt. Approved unanimously. CIDVC-11-018

**B. State Bar Proposals to Amend ARPOP Rules**

Two ARPOP proposals from the Arizona State Bar were explained by Ms. Radwanski.

- Petition to amend ARPOP Rule 1(M)  
Would require that when a court receives proof that a protective order has been served on a defendant, the court notify the plaintiff by mail.
- Petition to amend ARPOP Rule 6 (E)(4)(E)(2)  
Would add the same "credible threat" language that is currently applied to Orders of Protection to Injunctions Against Harassment. That is that a judge may prohibit the defendant from possessing, purchasing, or receiving firearms for the duration of the order if the judge finds that the defendant poses a credible threat to the physical safety of the plaintiff or another person protected by the order.

Lengthy discussion ensued regarding the first proposal. Members had concerns as to whether the proposal fulfills its intended purpose, which is to further ensure the plaintiff's safety. Wisdom dictates that this would entail timeliness, but the proposed process does not appear to hasten notification.

**MOTION:** Judge Million moved to request additional information prior to CIDVC making a formal recommendation. Motion seconded by Chief Monahan. Approved unanimously. CIDVC-11-019

Upon review of the second proposal, Dana Martinez pointed out that there are domestic violence situations in which ex-partners enlist third parties to harass and intimidate their victims. Following discussion, members agreed that victims of harassment should receive the same protection as domestic violence victims.

**MOTION:** Judge Million moved to support the amendment to ARPOP Rule 6(E)(4)(E)(2). Motion seconded by Ms. Martinez. Approved unanimously. CIDVC-11-020

### **III. OTHER BUSINESS**

#### **A. Call to the Public**

No comments offered.

#### **B. Next Meeting**

February 14, 2012

10:00 a.m. to 2:00 p.m.

Arizona State Courts Building

Conference Room 119 A/B

Meeting was adjourned at 11:05 a.m.